

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOHN VITO RADOGNA,	:	CIVIL ACTION
	:	
v.	:	07-3291
	:	
DAVE DIGUGLIELMO, <i>et. al.</i>	:	

**MEMORANDUM AND ORDER**

On August 9, 2007, Mr. Radogna filed a motion to proceed *in forma pauperis* with a 42 U.S.C. § 1983 suit. In connection with that motion, Mr. Radogna submitted a “Statement of Claim” describing the civil action he proposes to file. I reviewed that “Statement of Claim” to see whether the civil action Mr. Radogna wishes to file would have any merit. The reason I reviewed the “Statement of Claim” in this way is that, if Mr. Radogna were to file this civil action, I would be required to “dismiss the case” if I determined that “the action . . . is frivolous . . . or fails to state a claim on which relief may be granted.” 28 U.S.C. § 1915(e). My review of the “Statement of Claim” leads me to conclude that, if Mr. Radogna were to file his proposed civil action, I would be required to dismiss it as lacking merit under 28 U.S.C. § 1915(e). And if, today, I were to allow Mr. Radogna to proceed *in forma pauperis*, he would be burdened with a substantial financial obligation in the months to come for no good purpose,<sup>1</sup> since I would be required to dismiss his action.

Accordingly, this 27th day of September, Mr. Radogna’s motion to proceed *in forma pauperis* is DENIED.

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/s/ Pollak, J.

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<sup>1</sup>Even if Mr. Radogna were permitted to proceed with his claim *in forma pauperis*, federal law would require him to begin paying the \$350 filing fee with an initial payment, based on his submissions, of \$3.92. Then, 20 percent of his monthly earnings would be deducted each month he earned over \$10 until the \$350 was paid in full. See 28 U.S.C. § 1915(b).

